

HOUSE BILL NO. 508

INTRODUCED BY HENDRICK, A. OLSON

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF "EMPLOYER" FOR PURPOSES OF A VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION; AND AMENDING SECTION 2-18-1303, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-18-1303, MCA, is amended to read:

"2-18-1303. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Common association" means an association of employees established pursuant to 2-18-1310 for the purposes of employer and employee participation in the plan.

(2) "Contracting employer" means an employer who, pursuant to 2-18-1310, has contracted with the department to participate in the plan.

(3) "Department" means the department of administration established in 2-15-1001.

(4) (a) "Employee" means a person employed by an employer ~~but~~.

(b) The term does not include an independent contractor or person hired by the employer under a personal services contract.

(5) "Employer" means a legally constituted department, board, ~~or~~ commission, or any other administrative unit of the state government, a county, an incorporated city or town, or any other political subdivision of the state, including a school district, or a unit of the university system.

(6) "Health care expense trust account" or "account" means an account established for the payment of qualified health care expenses under the plan.

(7) "Member" means an employee who belongs to a voluntary employees' beneficiary association established under 2-18-1310.

(8) "Plan" means the employee welfare benefit plan established under Internal Revenue Code section 501(c)(9) pursuant to 2-18-1304.

(9) "Qualified health care expenses" means expenses paid by a member for medical care, as defined

1 by 26 U.S.C. 213(d), for the member or the member's dependent as defined by 26 U.S.C. 152."

2 - END -